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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Steven Andrew Whitt,

10 Petitioner,

11 v.

12 M. Gutierrez,

13 Respondent.
14

No. CV-23-00096-TUC-SHR

Order Adopting R&R

15 On August 28, 2023, Magistrate Judge Bruce G. Macdonald issued a Report and
16 Recommendation (“R&R”) in which he recommended the Court deny the 28 U.S.C. § 2241
17 Petition because the Federal Bureau of Prisons “correctly determined the date on which
18 Petitioner’s federal sentence commenced and correctly calculated Petitioner’s sentence.”
19 (Doc. 17.) The R&R notified the parties they had fourteen (14) days after being served
20 with a copy of the R&R to file any objections. (*Id.* at 21.) No objections have been filed.

21 If neither party objects to a magistrate judge’s report and recommendation, the
22 District Court is not required to review the magistrate judge’s decision under any specified
23 standard of review. *Thomas v. Arn*, 474 U.S. 140, 150 (1985); *see also United States v.*
24 *Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) (district court only needs to
25 review magistrate judge’s findings and recommendations *de novo* if objection is made).
26 However, the statute for review of a magistrate judge’s recommendation “does not preclude
27 further review by the district judge, *sua sponte* or at the request of a party, under a *de novo*
28 or any other standard.” *Thomas*, 474 U.S. at 154.

1 In this case, the deadline for filing objections has seemingly passed. A copy of the
2 R&R was mailed to Petitioner on August 28, 2023. As noted, no objections have been
3 filed, and neither party has requested additional time to do so despite the warning from
4 Judge Macdonald indicating “[f]ailure to file timely objections to any factual or legal
5 determination of the Magistrate Judge may result in waiver of the right of review.” (Doc.
6 17 at 9.) Therefore, the Court will adopt the R&R on that basis alone. *See Schmidt v.*
7 *Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003) (district court declined to review
8 the magistrate judge’s report because no objections were filed). Accordingly,

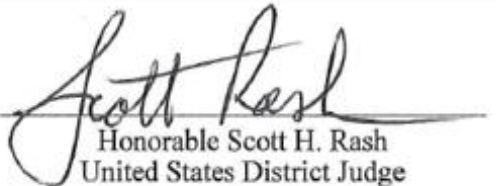
9 **IT IS ORDERED** Magistrate Judge Macdonald's Report and Recommendation
10 (Doc. 17) is **ADOPTED**.

11 **IT IS FURTHER ORDERED** the Petition (Doc. 1) is **DENIED**.

12 **IT IS FURTHER ORDERED** the Clerk of Court shall enter judgment accordingly
13 and close the file in this case.

14 Dated this 10th day of October, 2023.

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Honorable Scott H. Rash
United States District Judge